

Application No.: 10/606,376

Docket No.: JCLA11125-R

REMARKS**Present Status of the Application**

The Office Action rejected claims all pending claims 13-16. In particular, the Office Action rejected claims 13, 15 under 35 U.S.C. 102(b) as being anticipated by Park (US 6,050,704). The Office Action rejected claim 16 under 35 U.S.C. 102(b) as being anticipated Amano (JP 04033202A). The Office Action rejected claim 14 under 35 U.S.C. 103(a) as being unpatentable over Park in view of Amano.

Applicant has amended claims 13 and 14 and canceled claim 16 to more clearly define the present invention. After entry of the foregoing amendments, claims 13-15 remain pending in the present application, and reconsideration of those claims is respectfully requested.

Discussion of Office Action Rejections

Applicant respectfully traverses the 102(b) rejection of claims 13, 15 because Park (US 6,050,704) does not teach every element recited in these claims.

In order to properly anticipate Applicants' claimed invention under 35 U.S.C 102, each and every element of claim in issue must be found, "either expressly or inherently described, in a single prior art reference". "The identical invention must be shown in as complete details as is contained in the claim. Richardson v. Suzuki

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Motor Co., 868 F. 2d 1226, 1236, 9 USPQ2d 1913, 1920

(Fed. Cir. 1989).” See M.P.E.P. 2131, 8th ed., 2001.

The present invention is related a back light module as claim 13 recites:

Claim 13. A back light module, comprising:

a frame having a middle region;

at least two U-shaped lamp tubes disposed inside the frame, wherein *the two adjacent U-shaped lamp tubes are respectively positioned at two sides of the frame and the corners of the two U-shaped lamp tubes are at the middle region of the frame*; and

a diffusion plate positioned inside the frame above said lamp tubes.

Park fails to disclose, teach or suggest the feature of that the two adjacent U-shaped lamp tubes are respectively positioned at two sides of the frame and *the corners of the two U-shaped lamp tubes are at the middle region of the frame*. In Park's reference, as shown in Fig. 3, the two U shaped lamp tubes 31a, 31b disposed inside the frame 34, 33 extend from one side of the frame to other side, and thus the two U shaped lamp tubes 31a, 31b disposed inside the frame 34, 33 cross the middle region of the frame. However, in claim 13, *the corners of the two U-shaped lamp tubes are at the middle region of the frame*. Because the corners of the two U-shaped lamp tubes are at the middle region of the frame, the U-shaped lamp tubes have a smaller length, and thus the U-shaped lamp tubes are not liable to break or crack. On the contrary, in the Park

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reference, the two U shaped lamp tubes 31a, 31b extend from one side of the frame to other side, the U-shaped lamp tubes have a larger length, and thus the U-shaped lamp tubes are liable to break or crack. Because Park fails to disclose, teach or suggest the feature of that the two adjacent U-shaped lamp tubes are respectively positioned at two sides of the frame and the corners of the two U-shaped lamp tubes are at the middle region of the frame, Park does not teach every element recited in claim 13.

For at least the foregoing reasons, Applicant respectfully submits that independent claim 13 patently defines over the prior art reference, and should be allowed. For at least the same reasons, dependent claim 15 patently defines over the prior art as well.

Applicant respectfully traverses the rejection of claim 14 under 103(a) as being unpatentable over Park in view of Amano because a prima facie case of obviousness has not been established by the Office Action.

To establish a prima facie case of obviousness under 35 U.S.C. 103(a), each of three requirements must be met. First, the reference or references, taken alone or combined, must teach or suggest each and every element in the claims. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skilled in the art, to combine the references in a manner resulting in the claimed invention.

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Third, a reasonable expectation of success must exist.

Moreover, each of the three requirements must “be found in the prior art, and not be based on applicant’s disclosure.”

See M.P.E.P. 2143, 8th ed., February 2003.

Applicant submits that, as disclosed above, Park fails to teach or suggest each and every element of claim 13 from which claim 14 depends. Amano also fails to teach or suggest that the two adjacent U-shaped lamp tubes are respectively positioned at two sides of the frame and *the corners of the two U-shaped lamp tubes are at the middle region of the frame*. Amano cannot cure the deficiencies of Park. Therefore, independent claim 13 is patentable over Park and Amano. For at the least the same reasons, its dependent claim 14 is also be patentable as a matter of law. Additionally, Amano and Park also fail to teach or suggest the electrodes of the adjacent U-shaped lamp tubes are respectively adjacent to the opposite sides of the frame as claim 14 recites. In the Park reference, as shown in Fig. 3, the electrodes of the two U shaped lamps 31a, 31b are disposed *at the same side of the frame*. In the Amano reference, as shown in Fig. 2 or 5, some electrodes of the lamps are disposed adjacent to the frame but the other electrodes of the lamps *are not disposed adjacent to the frame*. Therefore, the two references (Amano and Park) combined do not teach every element in claim 14. A prima facie case of obviousness has not been established by the Office Action.

For at least the foregoing reasons, Applicant respectfully submits that claim 14 patentably defines over the prior art references, and should be allowed.

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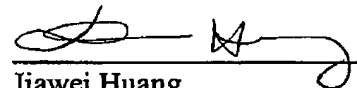
CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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